

Message

From: Joe Fanjoy [Joe.Fanjoy@erg.com]
Sent: 10/26/2020 9:49:12 PM
To: Laycock, Kelly [Laycock.Kelly@epa.gov]; Calli, Rosemary [Calli.Rosemary@epa.gov]
CC: Laura Bachle [Laura.Bachle@erg.com]; Susan McClutchey [susan.mcclutchey@erg.com]; Kathleen Wu [kathleen.wu@erg.com]; Joe Fanjoy [Joe.Fanjoy@erg.com]
Subject: RE: Coding questions
Attachments: FL Assumption CWA 404 codes to EPA 10-26-20.xlsx

Kelly and Rosemary, attached are the updated codes.

FYI, Columns A, B, and C appear in our electronic system, the remainder are notes to help code letters.

Just let me know if you have any additional comments.

Thanks, Joe



From: Joe Fanjoy <Joe.Fanjoy@erg.com>
Sent: Monday, October 26, 2020 7:40 AM
To: Laycock, Kelly <Laycock.Kelly@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>
Cc: Laura Bachle <Laura.Bachle@erg.com>; Susan McClutchey <Susan.McClutchey@erg.com>; Kathleen Wu <Kathleen.Wu@erg.com>; Joe Fanjoy <Joe.Fanjoy@erg.com>
Subject: RE: Coding questions

Kelly, thanks for the guidance. Please see my notes in blue below. I placed the new codes in a logical spot, which required a little renumbering.



From: Laycock, Kelly <Laycock.Kelly@epa.gov>
Sent: Monday, October 26, 2020 6:41 AM
To: Joe Fanjoy <Joe.Fanjoy@erg.com>; Calli, Rosemary <Calli.Rosemary@epa.gov>
Cc: Laura Bachle <Laura.Bachle@erg.com>; Joe Fanjoy <Joe.Fanjoy@erg.com>; Susan McClutchey <Susan.McClutchey@erg.com>; Kathleen Wu <Kathleen.Wu@erg.com>
Subject: RE: Coding questions

Joe,

These are my thoughts.

- **FL does not have the resources (staff, budget, expertise) to administer the program.** Is this tied to EPA-HQ-OW-2018-0640-0010 & 0011? 0010 Florida's State 404 Program Description Section d: Description of the Funding and Person-Power Which Will Be Available for Program Administration (Required by 40 C.F.R. § 233.11(d)) and 0011 Florida's State 404 Program Description Section e: An Estimate of the Anticipated Workload (Required by 40 C.F.R. § 233.11(e)). Does it belong in one of the existing codes? If not, do you want to add a new code? Maybe 1g? I believe this comment applies to -0010 and 0011. These both fall under Program Description 1b but rather than lumping it with more general program

description comments I suggest a new commenting code as I expect we'll get this comment a few times. New Code 1g Adequate Funding and Staffing

- **State, regional, local agencies (e.g., water management districts (WMDs)) have a conflict of interest due to political pressure.** We could code as Code 17 General oppose. But, this is a specific comment that appears consistently and that EPA would likely write a specific response. Should we create new Code 19 Conflict of interest? I agree with new Conflict of Interest code New Code 20 Conflict of Interest

- **State government and regional and local agencies cater to developers/development.** Combine with new Code 19 Conflict of interest? Or, if this requires a separate response, make a new code? I suggest lumping with Conflict of Interest code. Can do

- **Assumption would streamline processing of permits** (some argue that is good, others argue that is bad). Commenters cite time to review and issue a permit. Code as 6a General? I suggest a unique new code for Streamlining New Code 1h Streamlining

- **Assumption would lead to losing NEPA and NHPA oversight.** Code as 8 NHPA? Should we combine NEPA comments with NHPA since both apply only to federal actions (I think)? Or, create a new code for NEPA? I believe NEPA should have it's own code. New Code 9 National Environmental Policy Act (NEPA)

Kelly Laycock
Wetlands Regulatory Section
U.S. Environmental Protection Agency
61 Forsyth St.
Atlanta GA, 30303
phone 404 562 9132

From: Joe Fanjoy <Joe.Fanjoy@erg.com>

Sent: Friday, October 23, 2020 5:16 PM

To: Calli, Rosemary <Calli.Rosemary@epa.gov>; Laycock, Kelly <Laycock.Kelly@epa.gov>

Cc: Laura Bachle <Laura.Bachle@erg.com>; Joe Fanjoy <Joe.Fanjoy@erg.com>; Susan McClutchey <susan.mcclutchey@erg.com>; Kathleen Wu <kathleen.wu@erg.com>

Subject: Coding questions

Rosemary and Kelly,

Based on public hearing #1 and the comments we have in hand, we have a few questions about how to code certain topics/comments. Specifically, how would you like to code the following comments?

- **FL does not have the resources (staff, budget, expertise) to administer the program.** Is this tied to EPA-HQ-OW-2018-0640-0010 & 0011? 0010 Florida's State 404 Program Description Section d: Description of the Funding and Person-Power Which Will Be Available for Program Administration (Required by 40 C.F.R. § 233.11(d)) and 0011 Florida's State 404 Program Description Section e: An Estimate of the Anticipated Workload (Required by 40 C.F.R. § 233.11(e)). Does it belong in one of the existing codes? If not, do you want to add a new code? Maybe 1g?

- **State, regional, local agencies (e.g., water management districts (WMDs)) have a conflict of interest due to political pressure.** We could code as Code 17 General oppose. But, this is a specific comment that appears consistently and that EPA would likely write a specific response. Should we create new Code 19 Conflict of interest?

- **State government and regional and local agencies cater to developers/development.** Combine with new Code 19 Conflict of interest? Or, if this requires a separate response, make a new code?

- **Assumption would streamline processing of permits** (some argue that is good, others argue that is bad). Commenters cite time to review and issue a permit. Code as 6a General?

- **Assumption would lead to losing NEPA and NHPA oversight.** Code as 8 NHPA? Should we combine NEPA comments with NHPA since both apply only to federal actions (I think)? Or, create a new code for NEPA?

Thanks, Joe

Joe Fanjoy
Project Manager, Writer, Editor
Morrisville, NC

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